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June 30, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: MB Docket No. 03-15  
WDRB-DT (Louisville, Kentucky)  
Facility ID No. 28476  
FCC File No. BPCDT-19991101AFN  
Request for Waiver of July 1, 2005 Replication/Maximization Deadline

Dear Ms. Dortch:

Independence Television Company ("Independence"), permittee of WDRB-DT (Louisville, Kentucky) (the "Station"), by its attorneys, hereby requests waiver of the Commission's July 1, 2005 replication/maximization interference protection deadline. On June 14, 2005, in the course of constructing full-power digital facilities, transmission waveguide fell from the tower. Although the tower subsequently was restabilized and temporary operations commenced, this accident will prevent the Station from meeting the July 1 deadline. Accordingly, Independence hereby requests waiver thereof.

In its *Second DTV Periodic Review Report and Order*,<sup>1</sup> the Commission adopted a July 1, 2005 replication/maximization interference protection deadline for DTV licensees affiliated with the top-four networks in the top 100-ranked designated market areas ("DMAs"). If a station subject to this deadline had not completed construction of its replication or maximization facilities by this date it would lose interference protection to the unserved area. The Commission further stated that, in cases where a station was unable to meet the applicable deadline due to "circumstances beyond a station's control," it would "grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause

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<sup>1</sup> Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order, 19 FCC Rcd 18279 (rel. Sept. 7, 2004) ("*Report and Order*").

is shown.”<sup>2</sup> To receive such a waiver, broadcasters were required to make a showing “similar to that required to obtain a waiver of the DTV construction deadlines.”<sup>3</sup>

Independence believes this tower accident meets the Commission’s standard for waiver of the maximization/replication deadline. To implement full-power facilities on the existing WDRB(TV) tower, Independence had to replace the existing transmission line. A crew from the subcontractor, Coast to Coast Tower, had been working on the tower during the day of June 13<sup>th</sup>. For unknown reasons, at approximately 2:30 a.m. on June 14<sup>th</sup>, approximately 800 lbs. of aluminum waveguide fell about 700 feet from the tower. The tower has been stabilized using temporary structural members, making it safe to place crews on the tower. A temporary antenna line also was installed. Thirty-one tower members were damaged in the accident, however, and must be replaced. A report from Coast to Coast Tower is attached along with a copy of the STA request for temporary operations.

Although temporary operations are in place, Independence and its contractors have not had the opportunity to finalize plans for repairing the tower. Accordingly, Independence does not yet know when it can implement full-power DTV facilities, but it is hopeful that construction will be complete within six months. As such, Independence respectfully seeks a six month waiver of the maximization/replication deadline. Once a repair schedule has been established, Independence will amend this request accordingly.

If any questions arise, please contact the undersigned.

Respectfully submitted,



Scott S. Patrick

#### Attachments

cc(w/): Shaun Maher (FCC)

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<sup>2</sup> *Id.*, ¶ 87. See also Public Notice, DTV Channel Election Issues – Compliance with the July 1, 2005 Replication Maximization Interference Protection deadline; Stations Seeking Extension of the Deadline, DA 05-1636 (rel. June 15, 2005).

<sup>3</sup> *Report and Order*, ¶ 87.

## **TOWER CREW REPORT**

To: Todd Jackson, Coast to Coast

From: Ernie Jones

Re: WDRB-TV Tower Repairs  
June 14, 2005

Todd,

On Wednesday June 14<sup>th</sup> special C6x10.2 channel reinforcement members were fabricated. Enough connection pieces to make 13 assemblies were at the site. David Traxler and I went up the tower in a man basket and took a look at the damaged members. Dave has not identified any damaged members except the double angle horizontal girts. None of the back to back channel horizontal members at the guy levels are known to have received any damage, nor the diagonal tension rods.

We have identified 12 girts that I have accessed as having received enough damage to needed immediate temporary bracing. These are double angle assemblies where at least one angle had been hit and the assembly has received enough distortion, in my opinion, to potentially have its strength reduced to 75% or less. There are other horizontal girts that had one portion of one angle flange bent with the other angle undamaged. These assemblies remained straight and should be noticeably above 75% structural capacity, closer to 85 to 90%. Each 30 foot tower section has a top and bottom double angle girt. This provides twice the girt strength over other areas in the section which have just one back to back angle assembly. Consideration for the double girt at leg flange connection was given in determining which of the girts needed immediate temporary reinforcement.

The AISC 37-02 Construction Loading Standard requires structures to be capable of withstanding a loading of 75% of the full design wind speed, with full design wind being a one-in-50 year probability wind, when being constructed or repaired with up to a six (6) weeks or less time interval. This would represent all components of this structure meeting a (.75 x 70 mph) or 56 mph wind speed condition with full AISC factors of safety. This represents a little less than 60% of the full design strength of the structure. My reinforcement design effort is to get this structure at or better than 80% of its maximum design strength and keep it there at all times, including during the replacement of any members. Actually with two clamp brackets in place with a mini-frame there should be 100% full design wind strength at the point where the damaged girt is removed.

We did notice some additional separation of one flange connection in the remaining upper run of aluminum waveguide hanging in the tower. An additional rope tie and then a wire rope come-along was used to further secure these hanging sections.

We have been informed that a backup TV antenna is on its way and should be at the site by Friday.

## **STA REQUEST**

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June 28, 2005

**VIA COURIER**

Federal Communications Commission  
Mass Media Services  
P.O. Box 358165  
Pittsburgh, PA 15251-5165

FCC/MELLON

STAMP & RETURN

JUN 28 2005

Re: WDRB(TV), Louisville, Kentucky (Facility ID No. 28476)  
Request for Special Temporary Authority to  
Operate at Reduced Power

Dear Sir or Madam:

On behalf of Independence Television Company ("Independence"), licensee of the above-referenced television station (the "Station"), and pursuant to Section 73.1635 of the Commission's rules, we hereby respectfully request Special Temporary Authority ("STA") for Independence to operate the Station with parameters at variance from the Station's license. Specifically, Independence requests authority to operate at a reduced effective radiated power ("ERP") of 96 kW during repairs and construction of new facilities for the Station.

As detailed in its request for STA filed on May 31, 2005 (FCC File No. BSTA-20050531BYR, granted June 3, 2005), Independence has determined that to implement its DTV construction permit for full-power operations (FCC File No. BPCDT-19991101AFN), modification of the Station's facilities is required. To maintain the structural integrity of the Station's tower while allowing full-power DTV operations, Independence intends to replace the existing transmission line with a smaller transmission line that significantly reduces the tower load. Use of this line will allow the installation of a side-mounted DTV antenna to enable full-power transmission by WDRB-DT.

To complete the necessary modifications to the Station's antenna and transmission line, however, the Station has been forced to reduce power during construction. To ensure continued service to the Louisville community during this period, Independence commenced operations using a standby antenna at a reduced ERP of 96 kW on June 1, 2005.<sup>1</sup>

<sup>1</sup> On June 13, 2005, Independence notified the Commission that it had commenced reduced power operations.

June 28, 2005

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Independence has been unable to complete construction within thirty days due to the need to complete emergency repairs at co-owned and co-located television station WFTE(TV). On June 14, 2005 a waveguide fell from the stations' tower, severely damaging WFTE(TV)'s transmission line. Independence was forced to focus its efforts on restoring operation of WFTE(TV). Although reduced power operation of WFTE(TV) has been restored, Independence is now working diligently to restore full power operation of WFTE(TV) as well as to complete construction of full power DTV facilities for WDRB-DT. Independence anticipates that this will require the operation of WDRB(TV) at a reduced power of 96 kW for a period longer than thirty days. Accordingly, Independence requests STA to operate the Station at reduced power pending completion of the necessary repairs and construction. With the exception of this reduction in power, Independence will continue to operate WDRB(TV) at its authorized parameters.

Grant of the STA would serve the public interest by allowing WDRB(TV) to continue to serve the Louisville community during construction of full power facilities for WDRB-DT and completion of emergency repairs to WFTE(TV). In the unlikely event that unacceptable interference is caused, Independence is willing to take all reasonable steps to eliminate such prohibited interference, including modifying operating parameters or ceasing operations, if necessary. Independence understands that grant of STA does not provide any permanent authority to operate WDRB(TV) in the manner proposed.

This STA request is accompanied by the requisite filing fee of \$150.00, an FCC Form 159 completed to show the fee code "MGT," and the required Anti-Drug Abuse Act certification. We ask that you stamp the enclosed copy of this request and return it to our office as confirmation of filing.

Please contact me if you have any questions about this matter.

Respectfully submitted,



Daniel A. Kirkpatrick

Enclosures

**ATTACHMENT A**  
**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**  
**FOR REDUCED POWER OPERATION**

**Anti-Drug Abuse Certification.** The applicant certifies that no party to the application is subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

☒ Yes

☐ No



Bill Lamb  
President

Independence Television Company  
June 22, 2005



READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

Approved by OMB  
3060-0589  
Page 1 of 1

(1) LOCK BOX # <b>358165</b>		SPECIAL USE ONLY	
		FCC USE ONLY	
<b>SECTION A - PAYER INFORMATION</b>			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) <b>Dow, Lohnes &amp; Albertson, PLLC</b>		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$150.00</b>	
(4) STREET ADDRESS LINE NO. 1 <b>1200 New Hampshire Ave. NW</b>			
(5) STREET ADDRESS LINE NO. 2 <b>Suite 800</b>			
(6) CITY <b>Washington</b>		(7) STATE <b>DC</b>	(8) ZIP CODE <b>20036</b>
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>2027762000</b>		(10) COUNTRY CODE (if not in U.S.A.) <b>US</b>	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(11) PAYER (FRN) <b>0003863651</b>		(12) FCC USE ONLY	
<b>IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>			
(13) APPLICANT NAME <b>Independence Television Company</b>			
(14) STREET ADDRESS LINE NO. 1 <b>624 Muhammad Ali Blvd.</b>			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY <b>Louisville</b>		(17) STATE <b>KY</b>	(18) ZIP CODE <b>40203</b>
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>5025846441</b>		(20) COUNTRY CODE (if not in U.S.A.) <b>US</b>	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(21) APPLICANT (FRN) <b>0003189248</b>		(22) FCC USE ONLY	
<b>COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>			
(23A) CALL SIGN/OTHER ID <b>WDRB(TV)</b>	(24A) PAYMENT TYPE CODE <b>MGT</b>	(25A) QUANTITY <b>1</b>	
(26A) FEE DUE FOR (PTC) <b>\$150.00</b>	(27A) TOTAL FEE <b>\$150.00</b>	FCC USE ONLY	
(28A) FCC CODE 1 <b>28476</b>		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
<b>SECTION D - CERTIFICATION</b>			
<b>CERTIFICATION STATEMENT</b> I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE _____ DATE _____			
<b>SECTION E - CREDIT CARD PAYMENT INFORMATION</b>			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____ ACCOUNT NUMBER _____ EXPIRATION DATE _____ I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described. SIGNATURE _____ DATE _____			

SEE PUBLIC BURDEN ON REVERSE

FCC FORM 159

FEBRUARY 2003 (REVISED)